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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,578	08/05/2003	Bjorn C. Rettig	003797.00557	5433

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EXAMINER
FRANCIS, MARK P

ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/633,578	RETTIG ET AL.
	Examiner	Art Unit	
	Mark P. Francis	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 August 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-39</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-39</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the application filed on August 05, 2003.

2.   Claims 1-39 have been examined.

Oath/Declaration

3.   The Office acknowledges receipt of a properly signed oath/declaration filed

August 05, 2003.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.   Claims 11-37 and 24-33, 38-39 are rejected under 35 U.S.C. 101 because the

claimed invention is directed to non-statutory subject matter.

Regarding claims 11 and 24, According to the 101 Interim Guidelines, The tangible

requirement does not necessarily mean that a claim must either be tied to a particular

machine or apparatus or must operate to change articles or materials to a different state

or thing. However, the tangible requirement does require that the claim must recite more

than a § 101 judicial exception, in that the process claim must set forth a practical

application of that § 101 judicial exception to produce a real-world result. Benson, 409

U.S. at 71-72, 175 USPQ at 676-77 (invention ineligible because had "no substantial

practical application."). "[An application of a law of nature or mathematical formula to a

... process may well be deserving of patent protection." Diehr, 450 U.S. at 187, 209

USPQ at 8 (emphasis added); see also 21 Corning, 56 U.S. (15 How.) at 268, 14 L.Ed.

683 ("It is for the discovery or invention of some practical method or means of producing

a beneficial result or effect, that a patent is granted . . ."). In other words, the opposite

meaning of "tangible" is "abstract."

With respect to claims 11-23 and 36-37, Even though the claim recites a system

for modifying a computer system or computer application..." in the preamble, the body

of the claim merely states, means for determining a structure of a system, means for

storing migration information based on the determination of the structure, and means for

performing said migration based on said migration information, which are all functional

descriptive material that can be implemented using software means only (e.g. computer

program per se).   Therefore, the claims as a whole recite functional descriptive

material without a computer or computer readable medium that would not produce a

tangible result of a practical application.

With respect to claims 24-33 and 38-39, Even though the claim recites a program for

changing a computer system or computer application..." in the preamble, the body of

the claim merely states, means for determining a structure of a system, means for

storing migration information based on the determination of the structure, and means for

performing said migration based on said migration information, which can be

implemented using software means only (e.g. computer program per se) that does not

produce a tangible result of a practical application.

The rejection of the base claims are incorporated into their dependent claims

Appropriate correction is required

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the

rejections under this section made in this Office action:

7.   A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

8.   Claims 1-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Chiu.

(U.S. Pat 6,035,121)

Independent claims

With respect to claims 1,11 and 24, Chiu discloses a system for modifying a computer

system or computer application(Col 2:57-67, "...To translate...") from a first language to

at least a second language(Col 2:52-67, "...the program in the first language version...")

comprising: means for determining a structure of a system about to be migrated; (Col

4:42-67, "...The leverage tool...for creating the directory structure for a build

environment...")

means for storing migration information based on the determination of the structure;

(Col 5:10-40, "...A resource database is also generated...", Col 6:40-65, "...The

resource database contains the current version resource DLL...and the new target

language DLL...")means for performing said migration based on said stored migration

information. (Col 6:40-65, "...The resource database contains the current version

resource DLL...and the new target language DLL...")

Dependent claims

With respect to claims 2,12, and 25, the rejection of claims 1,11, and 24 are

incorporated respectively and further, Chiu discloses the step of establishing at least

one localized language hard link to supplement for at least one location independent

folder for use with an application. (Col 3:45-67, "...a new resource DLL is generated...")

With respect to claims 3,13 and 26, the rejection of claims 1,11 and 24 are incorporated

respectively and further, Chiu discloses that said migration information is drawn from

local dynamic libraries and information files. (Col 4:48-67, "...compares the current

version DLL to the previous version...")

With respect to claims 4,14, and 27, the rejection of claims 1,11 and 24 are incorporated

respectively and further, Chiu discloses that the migration information is used with

environment variables in said performing means. (Col 5:19-40, "...A Translation flag...A

resource ID...")

With respect to claims 8,18, and 31, the rejection of claims 1,11 and 24 are incorporated

respectively and further, Chiu discloses that the performing step further comprises the

step of: replacing localized links with unlocalized links. (Col 6:40-67, "...is compared to

both the previous version resource DLL...and the previous target language resource...")

With respect to claims 9,19, and 32, the rejection of claims 1,11 and 24 are incorporated respectively and further, Chiu discloses that the performing step further comprises the step of: replacing localized information in an IIS meta database with unlocalized information. (Col 6:35-67, "...The resource database...")

With respect to claims 10,20, and 33, the rejection of claims 1,11 and 24 are incorporated respectively and further, Chiu discloses that the migration information includes a list of localized strings and corresponding unlocalized versions to which the strings are to be converted. (Col 6:35-67, "...The resource database...the localized current version...")

With respect to claim 21, the rejection of claim 11 is incorporated and further, Chiu discloses that the migration is performed on an installed operating system before upgrading the operating system. (Col 4:5-27, "...provided by an operating system...")

With respect to claim 23, the rejection of claim 11 is incorporated and further, Chiu discloses that once said system has been migrated, said system may accommodate additional languages. (Col 4:27-35, "...is readily adapted for use in localizing...to and from any human languages...")

With respect to claims 34,36, and 38, the rejection of claim 1, 11, and 24 are

incorporated respectively and further, Chiu discloses that the first language is a first

localized language and the second language is a localization independent language.

(Col 4:27-55, "...the first language...")

With respect to claims 35,37, and 39, the rejection of claim 1, 11, and 24 are

incorporated respectively and further, Chiu discloses that the first language is a first

localized language and the second language is a second localized language. (Col 4:27-

55, "...the first language...")

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 5,15, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Chiu (U.S. Pat 6,035,121) in view of Murphy.(U.S. Pat 5,659,753).

Regarding claims 5,6,15,16,28 and 29,

The rejection of claims 1,11, and 24 are incorporated respectively and further,   .

Chiu does not disclose that the performing step further comprises the step of: unlocking shell folders.

Murphy discloses that the performing step further comprises the step of: unlocking shell folders(Col 5:49-67, "...First, the shell provides a portable interface to basic features of the operating system...",Col 6:1-30, "...the shell locator package...") in an analogous system for the purpose of providing a compiler framework which uses a generic shell or control and sequencing mechanism, and a generic back end. The generic back end provides the functions of optimization, register and memory allocation, and code generation.(Murphy:Col 2:60-67,)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to unlock shell folders to Murphy's invention.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a compiler framework which uses a generic shell or control and sequencing mechanism, and a generic back end. The generic back end provides the functions of optimization, register and memory allocation, and code generation.(Murphy:Col 2:60-67)

Regarding claims 6,16 and 29,

The rejection of claims 1,11, and 24 are incorporated respectively and further,

Chiu does not disclose that the performing step further comprises the step of: unlocking

the system of at least one user and group profiles.

Murphy discloses that the performing step further comprises the step of: unlocking the

system of at least one user and group profiles (Col 5:49-67, "...First, the shell provides

a portable interface to basic features of the operating system...",Col 6:1-30, "...the shell

locator package...") in an analogous system for the purpose of providing a compiler

framework which uses a generic shell or control and sequencing mechanism, and a

generic back end. The generic back end provides the functions of optimization, register

and memory allocation, and code generation.(Murphy:Col 2:60-67,)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

of the invention to unlock the system of one user and group profile to Murphy's

invention.

The modification would have been obvious because one of ordinary skill in the art would

have been motivated to provide a compiler framework which uses a generic shell or

control and sequencing mechanism, and a generic back end. The generic back end

provides the functions of optimization, register and memory allocation, and code

generation.(Murphy:Col 2:60-67)

Regarding claims 7,17 and 30,

The rejection of claims 1,11, and 24 are incorporated respectively and further,

Chiu does not disclose wherein said performing step further comprises the step of:
unlocking a registry.

Murphy discloses said performing step further comprises the step of: unlocking a
registry.(Col 5:49-67, "...First, the shell provides a portable interface to basic features of
the operating system...",Col 6:1-30, "...the shell locator package...") in an analogous
system for the purpose of providing a compiler framework which uses a generic shell or
control and sequencing mechanism, and a generic back end. The generic back end
provides the functions of optimization, register and memory allocation, and code
generation.(Murphy:Col 2:60-67,)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time
of the invention to unlock a registry to Murphy's invention.

The modification would have been obvious because one of ordinary skill in the art would
have been motivated to provide a compiler framework which uses a generic shell or

control and sequencing mechanism, and a generic back end. The generic back end

provides the functions of optimization, register and memory allocation, and code

generation.(Murphy:Col 2:60-67)

Allowable Subject Matter

11.   Claim 22 is objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mark P. Francis whose telephone number is (571) 272-

7956. The examiner can normally be reached on Mon-Fri 8:00-4:30.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Mark P. Francis

Patent Examiner

Art Unit 2193

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